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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM Docket No. 93-114  
Review of Commission's ) RM-7772  
Rules Governing the Low Power )  
Television Service )

To: The Commission

**REPLY COMMENTS**

May & Dunne, Chartered, on behalf of its TV Translator and Low Power Television Station clients<sup>1</sup> (hereinafter referred to as "M & D Clients"), and pursuant to Section 1.415 of the Commission's Rules and Regulations, 47 C.F.R. § 1.415 (1993), hereby submits the following "Reply Comments" in response the Notice of Proposed Rulemaking in the above-captioned docket, released April 22, 1993.

**A. LPTV Call Signs**

1. Commenters, generally, supported the Commission's suggestion that LPTV stations be assigned four letter call signs. The Comments filed by NAB/MST suggest, however, that the suffix "LP" be affixed to Low Power Television Station call signs to "prevent confusion." The confusion the NAB/MST comments suggest will be cured by the "LP" suffix is more apparent than real, however. Licensees in different broadcast services, radio and television, AM and FM, have used the existing four call letter regimen for 50 years without any requirement that they identify their broadcast service in their call sign. Similarly, there is no

<sup>1</sup>. A list of the parties on whom these Comments are filed is included in the attached Appendix A.

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requirement that FM stations, for example, identify themselves differently if they are a low power class A station rather than a high power class C station, or that AM daytime stations identify themselves differently than full-time AM stations. Broadcast licensees, advertisers and advertising agencies, and the viewing

impediment and the public and licensee confusion is perhaps unintentionally reinforced by the Commission by the fact that the Rules governing "Low Power Auxiliary Stations" follow those for Low Power Television Stations in the Commission's Rules.

3. "Community Broadcasting" accurately describes what the

~~Commission has in mind in connection with the Low Power Television~~

place, and discounts the Commission's sad experience in processing applications in the Low Power Television Service. The first deluge of applications was filed in the months immediately following the Notice of Proposed Rulemaking was filed suggesting the LPTV service, which allowed applicants to apply for authorizations on a waiver basis. Without set standards for application processing, since the Commission hadn't yet determined the rules for the new service, thousands of applications were filed, many of which were not acceptable under any rational standard, but which the Commission kept on file because they had adopted no standards to use to separate the wheat from the chaff. In an attempt to lower the entrance barriers to allow community based applicants and unsophisticated first time broadcasters to apply for the new stations, the Commission ensured that the barrier was so low that anyone could file (and anyone did). The numbers of speculators, and of purely speculative applications filed, is impossible to determine, but certainly constituted a substantial portion of the number of applications on file. The resulting backlog ensured that few LPTV station applications would be granted during the critical window of interest in the new service. Community based applicants, first time broadcasters, innovative programmers--all were stuck in the same application backlog. The backlog created by the Commission's earlier misguided policies is now a thing of the past. It serves no public interest to risk a repeat of that experience.

5. Nor is it in the public interest to disrupt the workings of what has become an exemplary Commission Branch. Under existing

processing standards applicants and their consultants have clear and easily enforceable standards, and applicants have learned to rely on the certainty, the speed, and the efficiency with which applications are processed. This efficiency, and the Branch's consistent policies, have made construction and construction planning easier, and materially assisted in the exponential increase in operating LPTV stations during the last few years. and the certainty and consistency that comes from the Commission's present efficient predictable and consistent application

